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6 PETER SWALLOW

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 PETER SWALLOW,

11 Plaintiff,

12 v.

13 TOLL BROTHERS, INC.; AND DOES 1-25,
14 INCLUSIVE,

15 Defendants.

Case No. C 08-02311 JCS

**DECLARATION OF KATHLEEN M.
LUCAS IN SUPPORT OF PLAINTIFF'S
REPLY TO DEFENDANT'S OPPOSITION
TO MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

DATE: AUGUST 29, 2008

TIME: 1:30 P.M.

JUDGE: HONORABLE JOSEPH C. SPERO

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17
18 I, Kathleen M. Lucas, do hereby declare and state as follows:
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- 20
21 1. I am an attorney of record and licensed to practice law in all California federal courts, and I
22 have personal knowledge of the facts stated herein and, if called, am competent to testify to the
23 contents of this Declaration.
24
25 2. This Declaration is written in support of Plaintiff's Reply to Defendant's Opposition to Motion
26 for Leave to File First Amended Complaint.
27
28

1 3. I asked in-house counsel, Tim Hoban, for a tolling agreement when the one year statutes of
2 limitations were imminent for the defamation and slander claims. As of March 31, 2008, he had
3 not agreed to a tolling agreement. Facing the possibility of losing the claims, Mr. Swallow had
4 to file as to those causes of action or, in my opinion, they might be lost.

5
6 I declare that the foregoing is true and correct under penalty of perjury under the laws of the
7 State of California.

8 Executed this 11th day of July, 2008, in San Francisco, CA.

9
10
11 /S/

KATHLEEN M. LUCAS

Attorney for Plaintiff Peter Swallow